

REDISTRICTING 101

PRESENTED TO
SC City and County Management Association
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Frank A. Rainwater
Executive Director

Victor Frontroth
Assistant Political Cartographer

South Carolina Revenue and Fiscal Affairs Office
1000 Assembly Street
Rembert Dennis Building, Suite 421
Columbia, SC 29201
(803) 734-2265

www.rfa.sc.gov



Preparation



RFA- Precinct Demographics

SECTION 11-9-850. Revenue and Fiscal Affairs Office; Digital Cartography and Precinct Demographics section.

The Revenue and Fiscal Affairs Office must be comprised of a Digital Cartography and Precinct Demographics section, which shall report directly to the executive director. The Digital Cartography and Precinct Demographics section shall:

- (1) review existing precinct boundaries and maps for accuracy and develop and rewrite descriptions of precincts for submission to the legislative process;
- (2) consult with members of the General Assembly or their designees on matters related to precinct construction or discrepancies that may exist or occur in precinct boundary development in the counties they represent;
- (3) develop a system for originating and maintaining precinct maps and related data for the State;
- (4) represent the General Assembly at public meetings and meetings with other state, county, or local governmental entities on matters related to precincts;
- (5) represent the office at public meetings, meetings with members of the General Assembly, and meetings with other state, county, or local governmental entities on matters related to precincts;
- (6) assist the appropriate county officials in the drawing of maps and writing of descriptions or precincts preliminary to these maps and descriptions being filed in this office for submission to the United States Department of Justice;
- (7) coordinate with the Census Bureau in the use of precinct boundaries in constructing census boundaries and the identification of effective uses of precinct and census information for planning purposes;
- (8) serve as a focal point for verifying official precinct information for the counties of South Carolina; and
- (9) consult with and provide assistance to the General Assembly on redistricting and reapportionment matters relating to any subdivision of the State.

HISTORY: 2014 Act No. 121 (S.22), Pt VI, Section 8.A, eff July 1, 2014. Formerly Code 1976 Section 11-9-1130, redesignated and amended by 2018 Act No. 246 (H.3895), Sections 1, 2, eff July 1, 2018.

Editor's Note

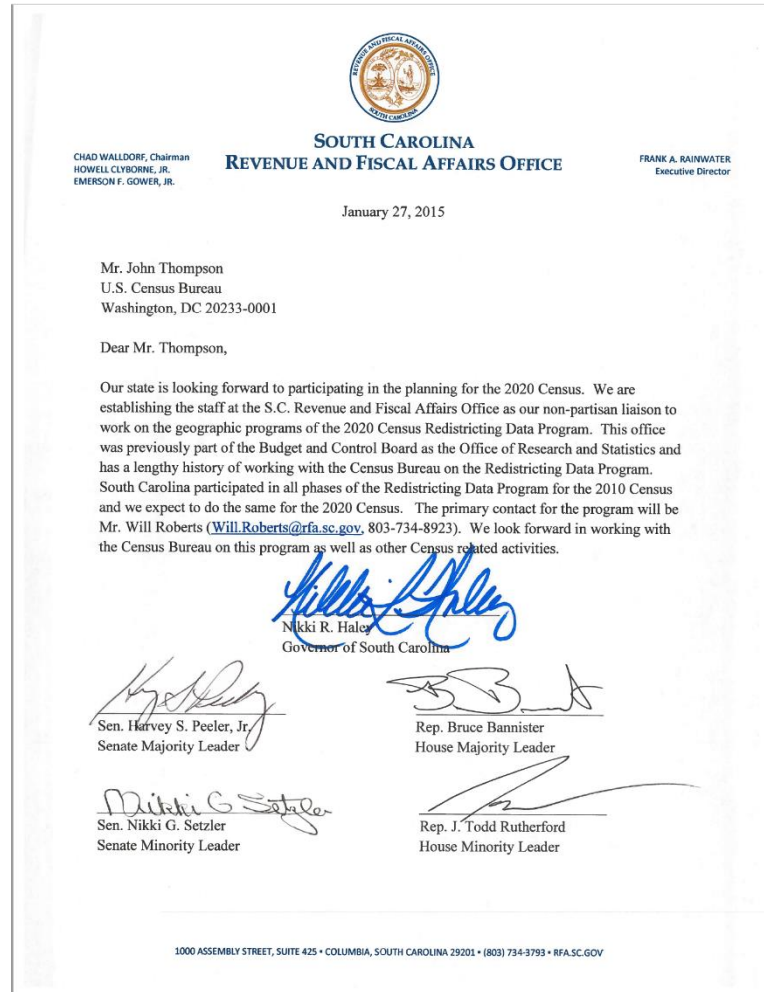
Prior Laws: Former Section 11-9-850 was titled Verification by State Treasurer of information relating to that office, and had the following history: 1982 Act No. 466, Part II, Section 44. See now, Code 1976 Section 11-9-880.

Effect of Amendment

2018 Act No. 246, Section 2, rewrote the section.



RFA- Census Designation



RFA- Experience

- 1980 – Census and Redistricting
- 1990 - Census and Redistricting
- 2000 - Census and Redistricting
- 2010 - Census and Redistricting
 - Counties: 40
 - Municipalities: 53
 - School Districts: 56
 - Special Purpose Districts: 2
 - Federal Courts: 3



Census Data and Redistricting Cycle

- Pre-Census Programs
- The Census - Census Day and Data Release
- Reapportionment and Redistricting
- Submission of Redistricting Plans to the Census Bureau

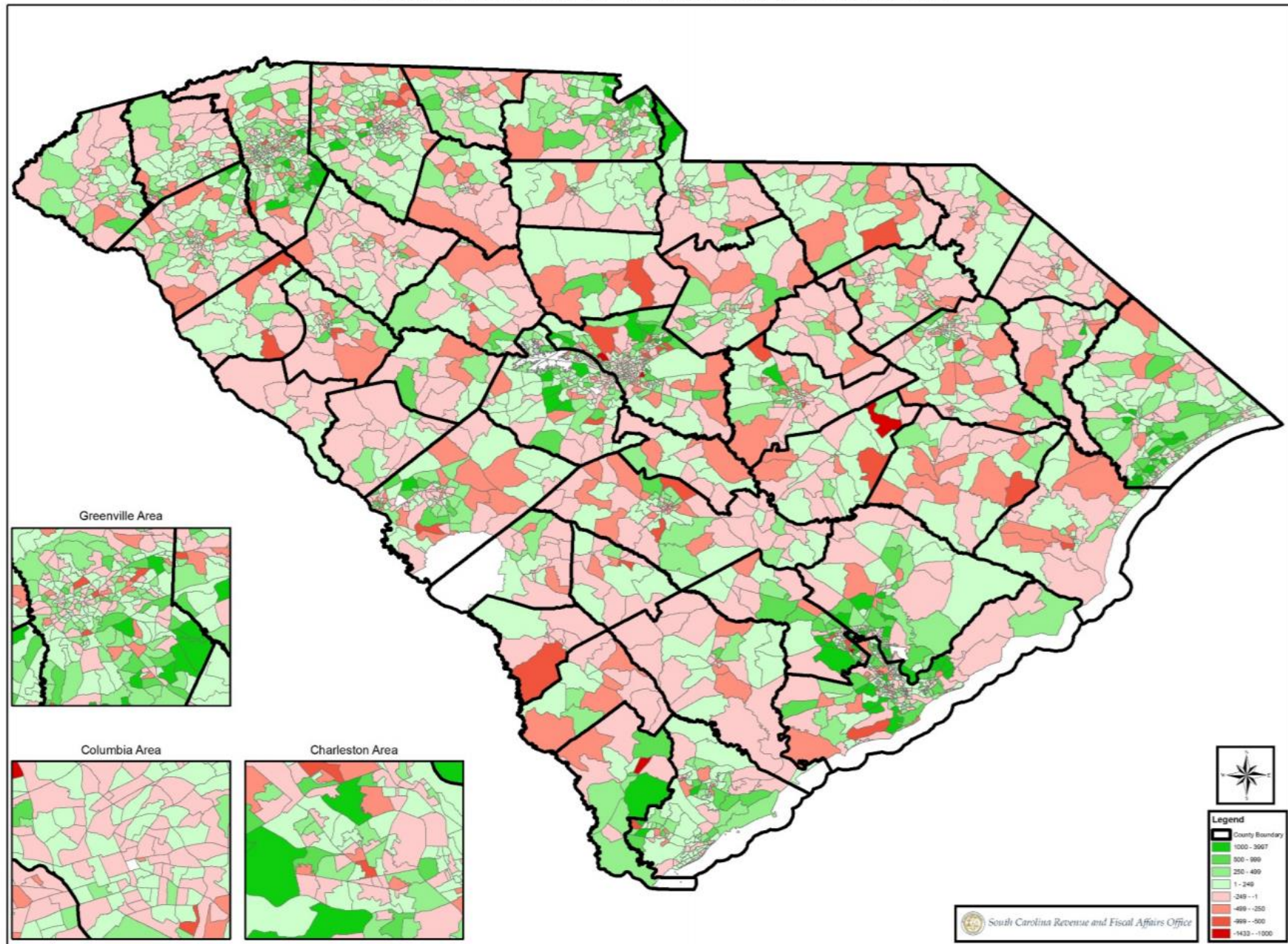


The Census – Timeline and Data

- First decennial census in 1790 called for by Article I, Section 2, Clause 3 of the U.S. Constitution
- Census Day will be April 1, 2020
- State counts given to president before December 31, 2020 for reapportionment
- Title 13 amended by P.L. 94-171 requires the redistricting tabulation data be given to the states by April 1st of the following year after a decennial census is taken.
- Population is counted where person is living on this day. This includes students, inmates, military, undocumented immigrants, etc.
- Census data will be released by April 1, 2021
- Data contains many racial fields



SOUTH CAROLINA POPULATION CHANGE 2010-2017



The Census

The 2020 Census: A New Design for the 21st Century

Motivate People to Respond

Conduct a nation-wide communications and partnership campaign

- Maximize outreach using traditional and new media
- Target ads to specific audiences
- Work with trusted sources to inspire participation.



TELEPHONE
AND PAPER SELF-
RESPONSE

NONRESPONSE
FOLLOWUP

INTERNET SELF-RESPONSE

Count the Population

Collect data from all households, including group and unique living arrangements

- Make it easy for people to respond anytime, anywhere
- Encourage people to use the new online response option
- Use the most cost-effective strategy to contact and count nonrespondents
- Knock on doors only when necessary
- Streamline in-field census-taking

Establish Where to Count

Identify all addresses where people could live

IN-FIELD

IN-OFFICE



- Conduct a 100% review and update of the nation's address list
- Minimize field work with in-office updating
- Use multiple data sources to identify areas with address changes
- Get local government input



**Count Everyone Once
In the Right Place**

Release Census Results

Process and Provide Census Data

- Deliver apportionment counts to the President by December 31, 2020
- Release counts for redistricting by April 1, 2021
- Make it easier for the public to get data



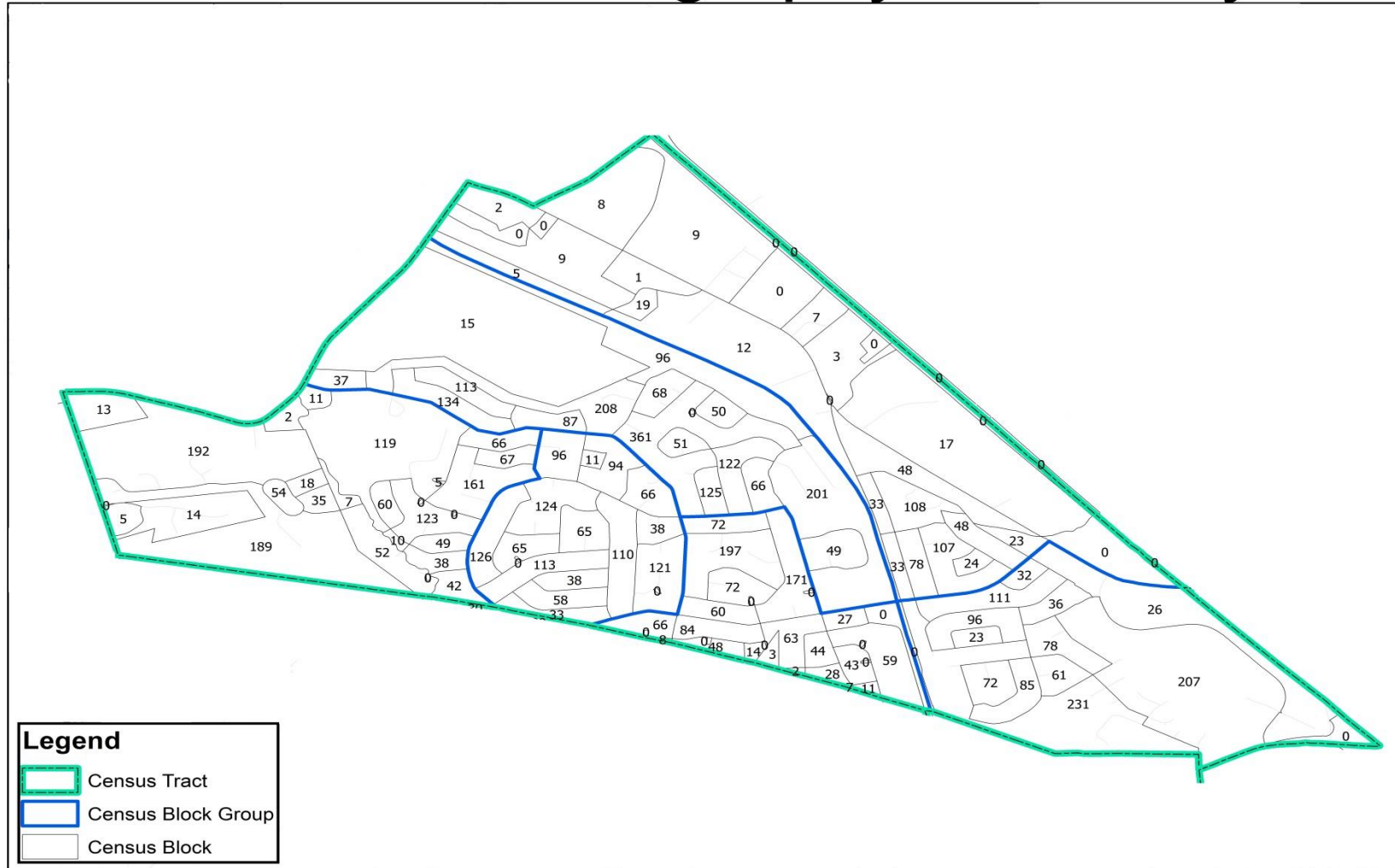
The Census

The Revenue and Fiscal Affairs Office has adopted the redistricting racial field guidelines as stated by the U.S. Justice Department in the Federal Register Vol.66, No. 12., Thursday, January 18, 2001, reaffirmed in 2011 by the USDOJ Listed are the adopted guidelines.

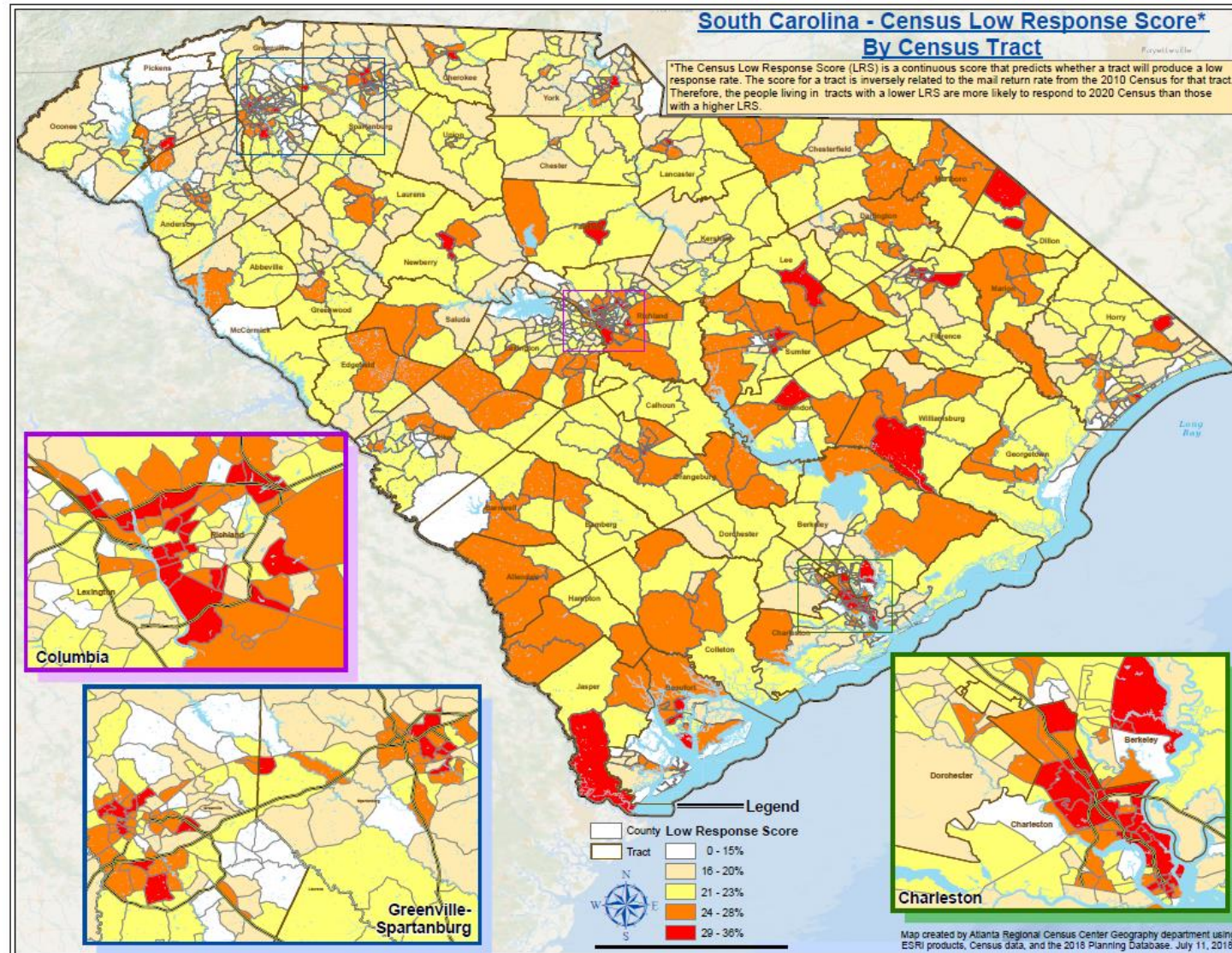
Field	Details	Formula
Hispanic_O	Hispanic	
NH_WHT	Non-Hispanic White	
NH_DOJ_BLK	Non-Hispanic Black	Non-Hispanic Black + Non-Hispanic WhiteBlack
NH_DOJ_IND	Non-Hispanic American Indian and Alaska Native	Non-Hispanic Indian + Non- Hispanic WhiteIndian
NH_DOJ_ASN	Non-Hispanic Asian	Non-Hispanic Asian + Non-Hispanic WhiteAsian
NH_DOJ_HWN	Non-Hispanic Native Hawaiian and Other Pacific Islander	Non-Hispanic Hawaiian + Non Hispanic WhiteHawaiian
NH_DOJ_OTH	Non-Hispanic Some Other Race	Non-Hispanic Other + Non-Hispanic WhiteOther
NH_DOJ_OMR	Non-Hispanic Other Multiple Race	Non-Hispanic Multiple Race-NH_WhiteBlack- NH_WhiteIndian- NH_WhitieAsian- NH_WhiteHawaiian- NH_WhiteOther



Census Geography Hierarchy



Low Response Score



Principles



Reapportionment vs. Redistricting

- Reapportionment – The reallocation of congressional seats based on total state population. Done after the release of the state population totals based on the latest decennial census.
 - Article 1, Section 2 sets the apportionment of Congressional seats based on decennial census.
- Redistricting – The redrawing of election district lines to accommodate population changes over the previous decade.



One Person, One Vote

- 14th Amendment U.S. Constitution – Equal Protection
- Evenwel v. Abbott(2016) - Total population can be used for satisfying one person, one vote criteria.
- Reynolds v. Sims(1964) - State legislative district population variance. State legislative districts, and local government districts are typically drawn to a population variation of less than 10%.
- Home Rule Act 1975 (Act #283) requires county council districts to be redrawn to a population variance under 10%.
- Gaffney v. Cummings(1973) - The 10% rule does not exempt you from a one person, one vote suit.



Voting Rights Act

- Section 5 VRA
 - Any change in election law must be submitted to the U.S Department of Justice for preclearance before the law can be implemented. For redistricting plans, USDOJ would analyze the plan to ensure the plan did not dilute minorities opportunity to elect candidates of choice.
 - Shelby v. Holder(2013) - U.S. Supreme Court ruled Section 4(b) of 1965 VRA was unconstitutional. This is the formula for which jurisdictions fall under Section 5 of the 1965 VRA. South Carolina is no longer under the provision of Section 5. Section 5 itself was not ruled upon.



Voting Rights Act

- Section 2 VRA
 - While South Carolina is no longer under Section 5, we are still under Section 2.
 - Section 2 – while the plan did not have the intent on discrimination it has had the effect. Typically multi-member district plans and at-large voting plans, but does also apply to single member district plans. City of Mobile v. Bolden(1980) and then Section 2 amendment in 1982 by Congress.
 - Burden of proof of a Section 2 claim on plaintiffs not on defendants
 - “Totality of circumstances” must be used in a deciding a Section 2 violation. 52 USC 10301(b)



Process



What: Congress
Why: Required by the U.S. Constitution
Who: Drawn by the S.C. legislature
How: Bill goes through legislative process and references census blocks in the bill.
When: Redistricting is completed before the next general election after the release of the latest decennial census data

What: State House and Senate
Why: Required by the S.C. Constitution
Who: Drawn by each of the individual bodies.
How: Bill goes through legislative process and references census blocks in the bill.
When: Redistricting is completed before the next general election after the release of the latest decennial census data

What: County Council
Why: Required by the Home Rule Act of 1975
Who: Drawn by the council
How: Requires three readings with map and/or description passed by ordinance
When: Redistricting is completed before the next general election after the release of the latest decennial census data

What: City Council
Why: No Statutory time table. Strongly recommended to review latest decennial census numbers
Who: Drawn by council
How: Requires two readings with map and/or description passed by ordinance
When: Redistricting can happen at anytime

What: School Districts
Why: No Statutory time table. Strongly recommended to review latest decennial census numbers
Who: Drawn by the legislature
How: Bill goes through legislative process and references a map and statistics in the bill.
When: Redistricting can happen at anytime the legislature is in session.

What: Special Purpose Districts
Why: No Statutory time table. Strongly recommended to review latest decennial census numbers
Who: County Council – 1988 Attorney General opinion for single county SPD.
How: Requires three readings with map and/or description passed by ordinance
When: Redistricting can happen at anytime.

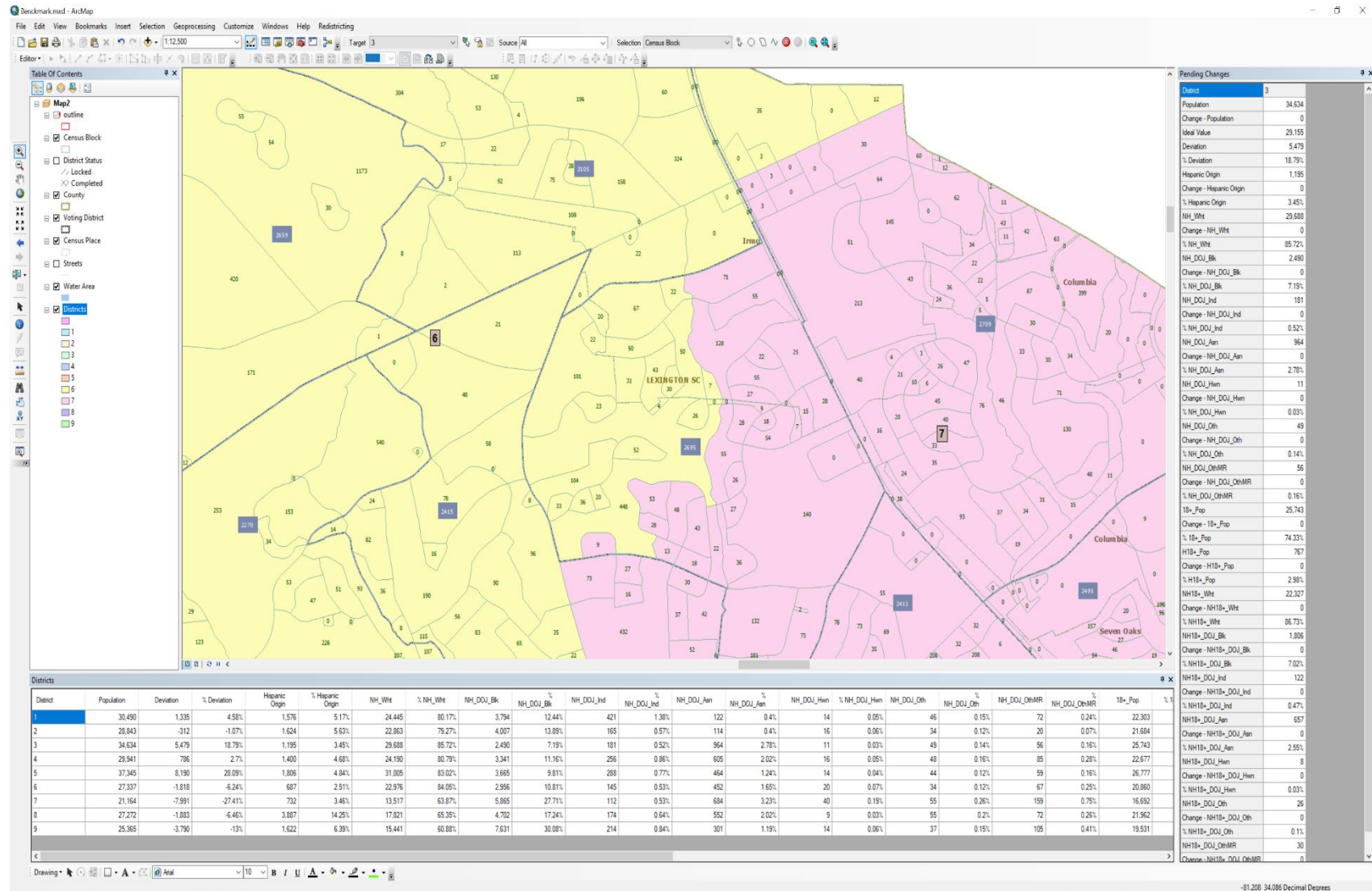


Redistricting Time Frame

- County Council Redistricting
 - Needs to be completed and submitted to county voters registration prior to April 2022 for the June 2022 primaries.
 - Jurisdictions that have elections in 2021 will be first.
- City Council Redistricting
 - No statutory time frame
- School Districts
 - No statutory time frame



Tools We Use to Draw Maps



Deviation

- Ideal Population = Total Population/ # of Districts

Example: 5,000,000/10 = 500,000

- Absolute Deviation – Number of persons above or below the ideal population for a district

Example: District 1 – 425,000, Ideal 500,000 = -75,000 Persons

- Relative Deviation – percentage of population a district is over or under the ideal population for a district

Formula: $((\text{Population} - \text{Target}) / \text{Target}) \times 100$

- Overall Range Deviation – Total combined range of deviation for a redistricting plan.

Formula: Largest positive + |largest negative| = overall range deviation

District	Pop	Dev.	%Dev.	Hisp	%Hisp	NH_WHT	%NH_WHT	NH_BLK	%NH_BLK	VAP	H18	%H18	NHWWAP	%NHWWAP	NHVBAP	%NHVBAP	AllOth	AllOthVAP
1	1,959	-648	-24.86%	39	1.99%	931	47.52%	978	49.92%	1,472	28	1.90%	713	48.44%	722	49.05%	11	9
2	2,056	-551	-21.14%	57	2.77%	610	29.67%	1,381	67.17%	1,576	29	1.84%	489	31.03%	1,050	66.62%	8	8
3	2,985	378	14.50%	493	16.52%	905	30.32%	1,557	52.16%	2,117	275	12.99%	740	34.96%	1,082	51.11%	30	20
4	2,509	-98	-3.76%	355	14.15%	1,474	58.75%	655	26.11%	1,877	217	11.56%	1,162	61.91%	482	25.68%	25	16
5	2,380	-227	-8.71%	356	14.96%	873	36.68%	1,124	47.23%	1,708	242	14.17%	699	40.93%	745	43.62%	27	22
6	2,550	-57	-2.19%	709	27.80%	756	29.65%	1,041	40.82%	1,832	452	24.67%	613	33.46%	742	40.50%	44	25
7	3,676	1,069	41.00%	284	7.73%	1,735	47.20%	1,582	43.04%	2,869	194	6.76%	1,453	50.64%	1,160	40.43%	75	62
8	2,474	-133	-5.10%	938	37.91%	631	25.51%	829	33.51%	1,755	625	35.61%	514	29.29%	566	32.25%	76	50
9	2,878	271	10.40%	453	15.74%	1,007	34.99%	1,363	47.36%	2,123	284	13.38%	797	37.54%	1,004	47.29%	55	38
Total	23,467			3,684	15.70%	8,922	38.02%	10,510	44.79%	17,329	2,346	13.54%	7,180	41.43%	7,553	43.59%	351	250
Target	2,607																	
Dev.	High 7 @ 41.00%																	
	Low 1 @ -24.86%																	
	Total: 65.86%																	



Particulars



Adopt Resolution Establishing Criteria

- Adhere to the court ordered constitutional requirement of one person, one vote
County Councils must adhere to a state law of population variance under 10%
- Adherence to the 1965 Voting Rights Act as amended and by controlling court decisions
A redistricting plan should not have either the purpose or the effect of diluting minority voting strength and should otherwise comply with the Voting Rights Act, the Fourteenth and Fifteenth Amendments to the U.S. Constitution, and the decisions of the U.S. Supreme Court.
- Ensure that parts of the districts are contiguous
All districts will be composed of contiguous geography. Contiguity by water is acceptable . Point-to-point contiguity is acceptable so long as adjacent districts do not use the same vertex as points of transversal.



Adopt Resolution Establishing Criteria

- Attempt to keep compact districts
- Attempt to maintain constituent consistency
Efforts will be made to preserve cores of existing districts.
- Respect Communities of Interest
Where practical, districts should attempt to preserve communities of interest.
- Avoid splitting voting precincts
- Solicit public input



Document, Document, Document

- Carefully and specifically reference the correct map that was adopted.
- Share
 - RFA
 - County Election and Voters Registration



Plans



One Person, One Vote

- Fraser et.al. v. Jasper County School District (2014)
 - One person, one vote lawsuit under equal protection clause of the Fourteenth Amendment.
 - County delegation had not adopted a redistricting plan since 1997. Skipped 2000 and 2010 Census.
 - Judge enjoined 2014 election and gave the county delegation time to redraw districts. Delegation had until March 2015 to compromise and pass new plan.
 - County delegation could not agree on a compromise plan, so the court drew the plan and ordered a special election.
 - Area of high population growth was divided between two districts to try and balance the population as much as possible between the two districts.



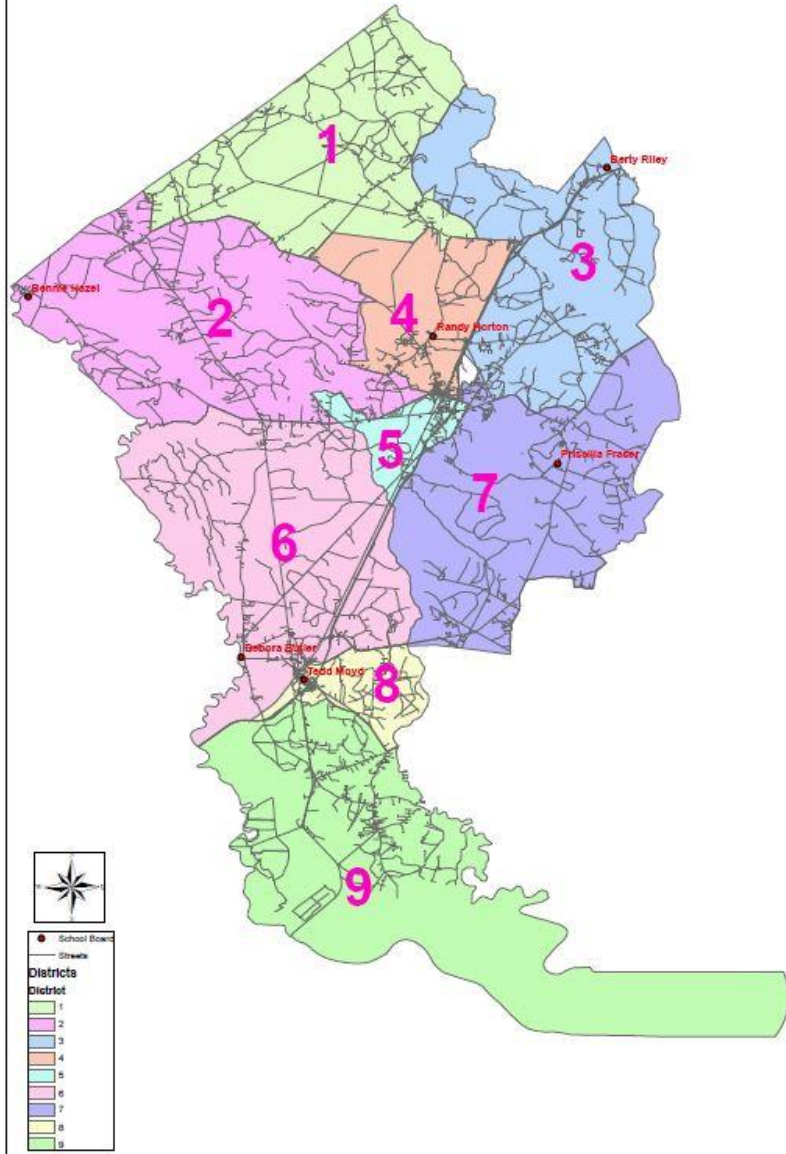
Benchmark

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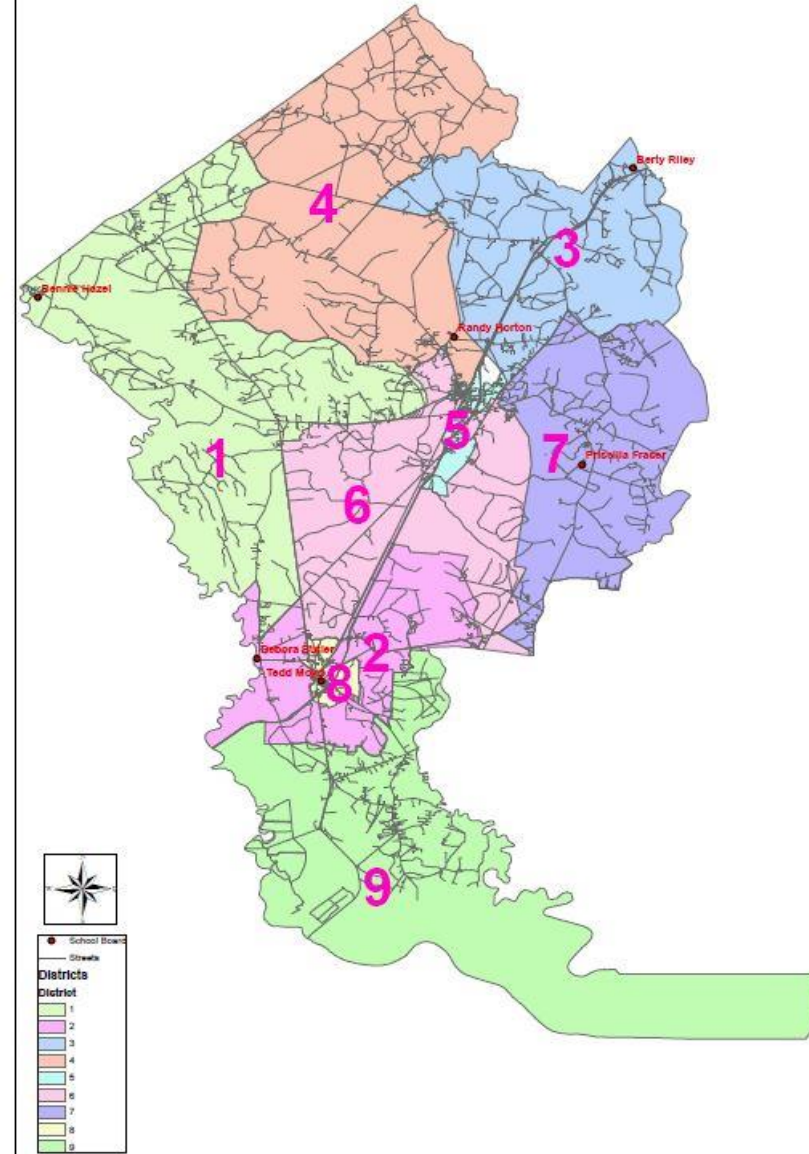
Court Plan

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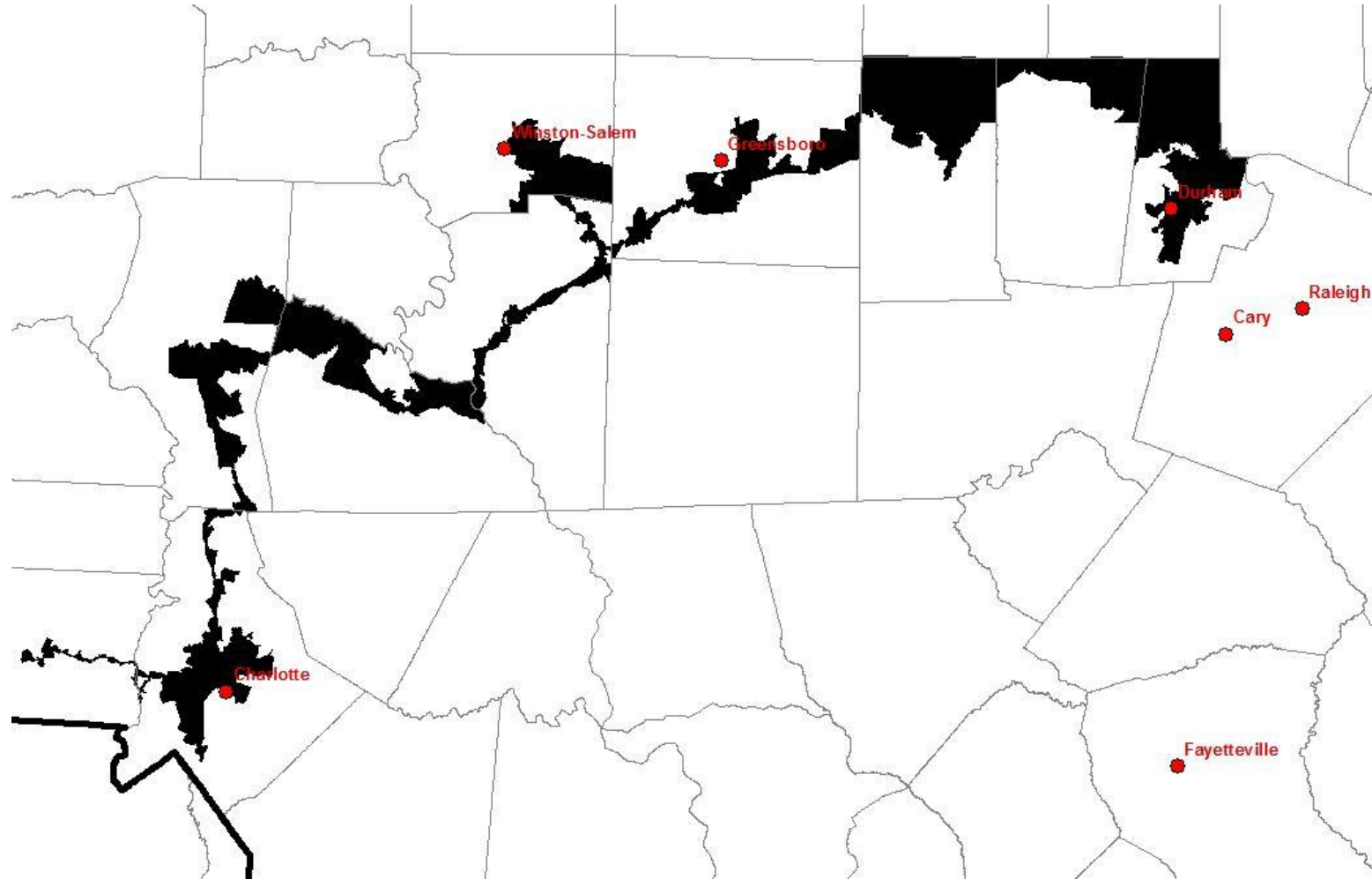
Jasper School District Benchmark Plan



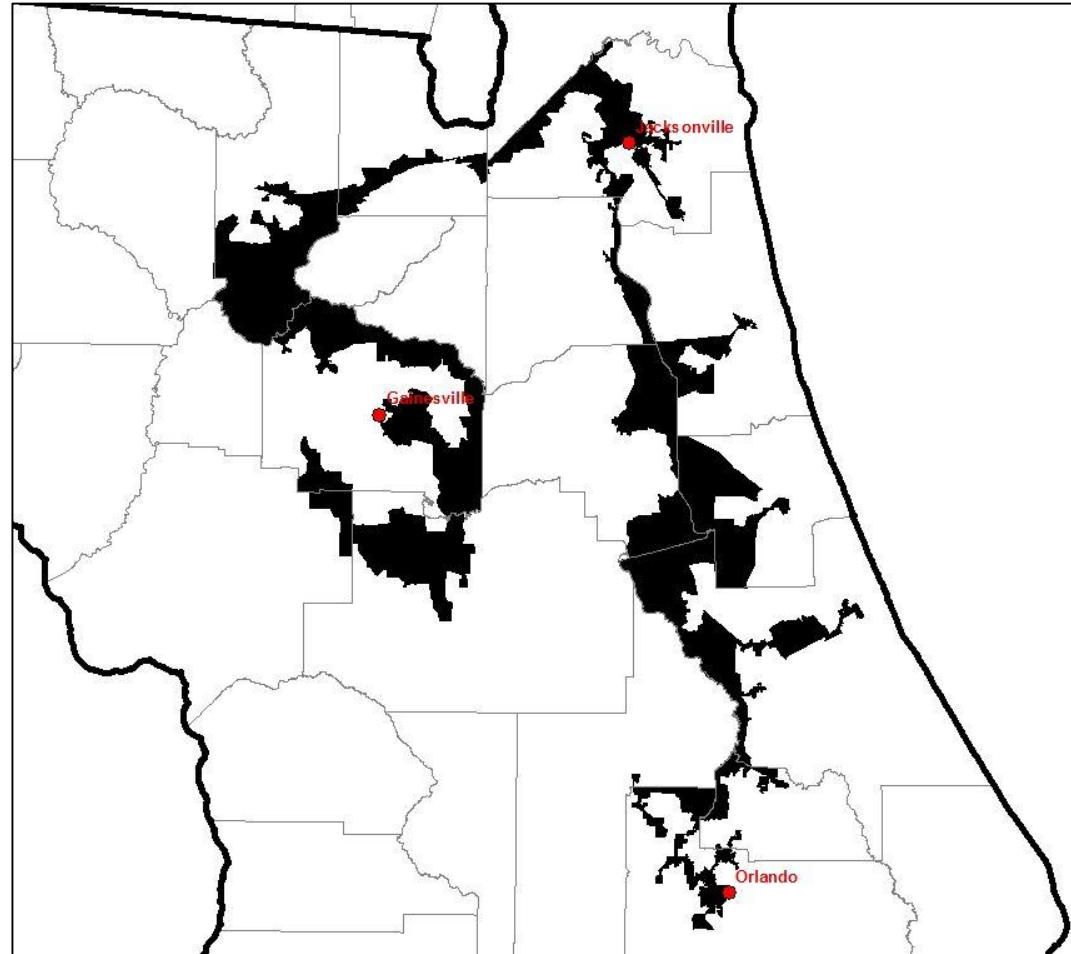
Jasper School District Federal Court Plan



Shaw v. Reno



Florida Unconstitutional Map



Contact Information

Frank Rainwater

Email: Frank.Rainwater@RFA.SC.GOV

Phone: 803-734-3766

Victor Frontroth

Email: Victor.Frontroth@RFA.SC.GOV

Phone: 803-734-0969



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